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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,494

10/23/2006

Frank Dietsche

12810-00237-US1

1545

23416

7590

10/02/2009

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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,494	<b>Applicant(s)</b> DIETSCH ET AL.	
	<b>Examiner</b> Monique R. Jackson	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/24/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The preliminary amendment filed 4/24/06 has not been entered because it is not properly signed (the second slash of the electronic signature is missing. Hence, the below action is being prepared based upon the claims as originally filed and re-submitted by Applicant on 10/23/06.

### ***Claim Objections***

2. Claims 5-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-22 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 199 23 084 A (DE'084.) DE'084 teaches a chromium-free aqueous anticorrosive which is suitable for producing thin organic layers on surfaces of steel, metallized (e.g. galvanized or alloy-galvanized) steel and aluminum, wherein the anticorrosive contains as the essential components a) 0.5 to 100 g/l hexafluorine anions of titanium (IV), silicon (IV) and/or zirconium (IV); b) 20 to 100 g/l phosphoric acid; c) 0 to 100 g/l of one or more compounds of cobalt, nickel, vanadium, iron, manganese, molybdenum or tungsten; d) 0.5 to 30 wt.-% of at least one water-soluble or water-dispersible film-forming organic polymer or copolymer; e) 0.1 to 10 wt.-%

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% of an organosponic acid; f) optionally further auxiliaries and additives (Abstract of published PCT.) DE'084 teaches that the film forming polymer may be a (meth)acrylic acid copolymer cross-linked with an epoxide resin and provide various examples with a water content as claimed but fails to teach the content of acid groups or molecular weight of the epoxy resin (Entire document, Page 4, lines 11-39, Claims.) However, it would have been obvious to one having ordinary skill in the art to determine the optimum acid content to provide the desired water solubility as well as the number active acid sites for crosslinking with a desired molecular weight epoxy resin based upon the desired coating properties and crosslink density for a particular end use, wherein both the acid content and the epoxy molecular weight are known result-effective variables and could easily be determined by routine experimentation wherein values with the claimed range are typical in the art. (Entire document, Page 4, line 11-39, Claims.) Further, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize conventional, known epoxy crosslinking agents or resin, wherein the claimed structure refers to known commercially available glycidyl ether crosslinking agents, and are an obvious species of crosslinker in the art.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kazuhisa et al (USPN 7,291,402) teach a zinc or aluminum plated steel sheet treated with a chromium-free aqueous corrosion resistant composition comprising a water-dispersible and/or water-soluble resin obtained through the reaction of an epoxy resin with an active hydrogen-containing compound, a hydrophilic organic compound, and a phosphoric acid and/or hexafluoro-metal acid.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/  
Primary Examiner, Art Unit 1794  
September 30, 2009